



***City of Seattle
Office of Housing
And Seattle Housing Authority***

**NOTICE OF FUNDING
AVAILABILITY
July 2009**

Affordable Housing for Individuals, Families and Young Adults

Application Due Date: September 9, 2009 at 12:00 noon

**City of Seattle
Greg Nickels, Mayor**

**Office of Housing
Adrienne E. Quinn, Director**

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I. FUNDS AVAILABLE - SEATTLE OFFICE OF HOUSING

The City of Seattle Office of Housing (OH) is announcing the availability of approximately \$14 million of capital funds for the development of affordable rental housing.

Nonprofit and for-profit owners are invited to submit proposals for acquisition, rehabilitation, and/or new construction of affordable rental housing for low-income households as defined below.

This NOFA includes a variety of fund sources administered by OH including Housing Levy Rental Production and Preservation funds; Federal HOME and Community Development Block Grant (CDBG) funds; Transferable Development Rights (TDR); and Downtown Commercial and Residential Bonus Program funds. (Due to high demand in previous years, Operations and Maintenance funds are currently fully committed.)

In an ongoing effort to align public funding for affordable housing in Washington State, the Office of Housing intends to fund projects concurrently with King County and the State Department of Community Trade and Economic Development (CTED). CTED will only be accepting applications for 9% tax credit projects for its Housing Trust Fund this funding round. Accordingly, OH will only accept applications for 9% tax credit projects that leverage the Housing Trust Fund or those projects that do not require Housing Trust Fund support to move into construction. OH will prioritize 9% tax credit projects that serve homeless households in accordance with tax credit scoring.

This NOFA also announces an offering of Project-based Housing Choice Vouchers from the Seattle Housing Authority for replacement housing. Details of this offering can be found in Section III of this NOFA. All other sections of the NOFA apply solely to the offering made by the Office of Housing.

OFFICE OF HOUSING FUNDING PARAMETERS:

OH is offering funds that reflect a range of geographic and affordability goals as follows:

A. Financing Structure:

OH will consider projects with the following types of proposed financing:

- Projects that will leverage the State Housing Trust Fund.
- Projects that will leverage 9% tax credits and have some track record and/or strong indication that they can secure an investor.
- Projects that can move toward construction without State Housing Trust Fund.

B. Priority Populations:

The highest priority projects will be permanent supportive housing projects that serve the following populations:

- Chronically homeless individuals
- High utilizers of publicly funded services such as emergency rooms, the sobering center, shelters and the criminal justice system
- Homeless, vulnerable households with multiple barriers to housing;

- Homeless families with children, individuals or young adults;
- Low-income working households for projects that meet program-specific guidelines, including geographic and income guidelines. (For more information on individual fund source goals, see OH Fund Sources and Affordability Policies below.)

C. Geographic Focus Areas:

- Projects located within the Downtown Urban Center
- Projects located with Urban Centers adjacent to the Downtown Urban Center
- Projects located within ½ mile of a light rail or bus rapid transit station that serves downtown
- Projects located within ¼ mile of a bus or streetcar stop on a route serving downtown.
- Projects located in Urban Centers and major transit centers, especially those where affordable housing is needed to help mitigate displacement of low-income people due to gentrification.
- Development of affordable workforce housing that furthers revitalization or other community development goals in Housing Investment Areas and/or Neighborhood Housing Opportunities Program (NHOP) Target Areas. Proposals for Southeast Seattle will be the highest priority within this category because of the impending implementation of Sound Transit light rail in this area. See Appendices G and J for further information and maps of Housing Investment Areas and NHOP Target Areas.

D. Housing Types:

- New Construction
- Acquisition of existing housing and Acquisition/Rehabilitation. OH is particularly interested in projects in this category that can take advantage of current market conditions to secure vacant buildings at a low per-unit cost.
- Preservation of subsidized rental housing projects with expiring affordability restrictions, in particular projects with expiring project-based Section 8 contracts, and tax credit projects with expiring affordability restrictions with below-market rents serving a significant number of very low-income households.

E. Cost-Effectiveness:

OH will give special attention to proposals for quality affordable housing that demonstrate a cost effective investment of public funding. Sponsors that meet this priority should describe in their application the cost-saving measures they will employ in their project. Following are examples of cost-saving approaches:

- Sponsors should negotiate land acquisition costs and ensure that this cost is consistent with comparable sites currently on the market.
- Low per-square-foot land acquisition costs should not be sought at the expense of considerable site work challenges.
- Sponsors should demonstrate an intent to competitively bid contractors.
- Per-unit total development costs should be consistent with unit sizes.
- Development budgets should be realistic in their proposed sources in light of significantly reduced public funding from non-city sources and tax-credit pricing.

- Sponsors should avoid redundant design and project management fees.
- Parking should be included only when required.

II. OH FUND SOURCES AND AFFORDABILITY POLICIES

Following is a detailed description of OH fund sources available for the fall 2009 round.

A. 2002 Housing Levy Rental Preservation and Production Program

Approximately \$6 million in funds from the 2002 Housing Levy is available. Total Levy allocations must meet the following affordability categories:

- **At least 59%** of Levy rental program funds shall be used for housing affordable to households with incomes at or below 30% of median income.
- **Up to 31%** of Levy rental program funds may be used for housing affordable to households with incomes at or below 50% of median income. The actual amount will be determined based on the amount of funds used for housing units affordable to households up to 30% and 60% of median income.
- **Up to 10%** of Levy rental program funds may be used for housing affordable to households with incomes at or below 60% of median income.

- ✓ See Appendix A for complete Housing Levy policies as described in the Levy Administrative & Financial Plan – Rental Preservation & Production.

In addition, a small amount of **2002 Levy Neighborhood Housing Opportunity Program (NHOP)** funding is available to be prioritized for projects located in NHOP Target Areas. NHOP funds may be used in combination with other City funding, subject to overall City subsidy limitations per project as outlined in the Rental Preservation and Production Program Policies section of the A&F Plan.

- **Remaining NHOP program funding** is restricted to units serving households with incomes at or below 30% of median income.

- ✓ See Appendix B, 2002 Levy Administrative and Financial Plan – Neighborhood Housing Opportunity Program for details on NHOP eligibility.
- ✓ See Appendix J for maps of NHOP Target Areas.

B. Downtown Commercial and Residential Bonus Programs

Approximately \$4 million in funds generated from the Downtown Bonus Programs are available to support the production of rental housing affordable to low-income households. Funds will be prioritized for projects meeting the following criteria:

- Bonus funds are eligible to serve all populations from 0-80% of median income. However, the Bonus program was created to mitigate the effects of downtown development and as such projects should be able to demonstrate how they meet the need for workforce housing that serves downtown workers.
- The following geographic priorities will apply:

- Projects located within the Downtown Urban Center
 - Projects located within Urban Centers adjacent to the Downtown Urban Centers
 - Projects located within ½ mile of a light rail or bus rapid transit station that serves downtown
 - Projects located within ¼ mile of a bus or streetcar stop on a route serving downtown
- ✓ See Appendix H for maps of Downtown and adjacent Urban Centers.
 - ✓ See Appendix I for a map of light rail and bus rapid transit systems.

C. Federal Funds

Approximately \$3 million in Federal HOME and CDBG funds are available. See Appendix D, the 2009 - 2012 Consolidated Plan – Housing Policies for overarching policies that address the use of these funds.

- **At least 50%** of program funding shall be used for units serving households with incomes at or below 30% of median income.
- Remaining program funding shall be used for units serving households with incomes at or below 50% of median income. Exceptions to this include housing located in Housing Investment Areas (see Appendix G) or within one half mile of a light rail station or major transit center located outside of downtown. In these areas, funding in this category may serve households up to 80% of median income.

D. Housing First Funds

Approximately \$1 million in City General Funds are available to be dedicated to projects serving people who serve chronically homeless individuals, high utilizers of publicly funded services such as emergency rooms, the sobering center, shelters and the criminal justice system and/or homeless, vulnerable households with multiple barriers to housing.

III. FUNDS AVAILABLE - SEATTLE HOUSING AUTHORITY



The Seattle Housing Authority (SHA) is soliciting proposals through this NOFA for 50 Project-based Vouchers for the purpose of replacing affordable housing units lost through the revitalization of High Point. Eligible projects are either existing at the time of application or are already under construction and will be operational no later than December 31, 2010.

SHA will make awards consistent with its Housing Choice Voucher Administrative Plan, Chapter 5 selection criteria. Projects must also meet all of the following project criteria:

- Serves households with incomes at or below 30% of area median income;
- Will be operational no later than December 31, 2010; and
- Meets one of the following two priorities:
 - Has an inventory of housing units containing two or more bedrooms; or

- Serves elderly and/or disabled households with onsite supportive services. In addition, priority will be given to projects that are located in census tracts with a less than average percentage of Housing Choice Voucher households or other subsidized housing.

- ✓ See Appendix K for a list of FAQs about the High Point Replacement Housing Program.
- ✓ See Appendix L for further information on eligibility criteria.
- ✓ See Appendices M-N for application forms.

Applications may be submitted on a rolling basis to the Office of Housing at any time prior to September 9th at noon. SHA will participate in the combined pre-application conference on July 21st. (See flyer for meeting information.) For more information on this offering, contact Ann-Marie Lindboe at 206.615.3553, or e-mail alindboe@seattlehousing.org.

IV. OH LOAN TERMS AND CONDITIONS

Interest Rate:

The interest rate for projects not using low-income housing tax credits will generally be 1% for nonprofit-sponsored projects and 3% for private, for-profit-sponsored projects. The rate will be set according to the project's ability to support debt service. The interest rate for projects using low-income housing tax credits will be a minimum of 1% simple interest and a maximum of the Applicable Federal Rate for the purposes of Section 42 of the Internal Revenue Code, depending on the project's projected capacity for repayment. Interest rates for projects using low-income housing tax credits will generally range from 1-3% and will be set on a case-by-case basis and will exceed 1% where there is a net financial benefit to the project. Interest on program loans will accrue annually as simple interest.

Loan Term:

All loans will be for a minimum term of 50 years. Borrowers are encouraged to extend the loan term and continue to extend the period of affordability restrictions for an additional 25 years, provided the property continues to be in compliance with OH affordability requirements.

Contingent Interest:

If a City loan is repaid, the City expects loan principal plus share of appreciation (contingent interest); City share of appreciation is generally based on City loan amount compared to total project cost at the time the project is completed.

Capital Needs Assessment:

For all projects, borrowers must complete and submit to OH a Capital Needs Assessment within 6 months after the completion of construction. The Capital Needs Assessment should include (1) a list of all major replacement components of the building; (2) the typical remaining life of each component; (3) the estimated replacement cost of each replacement component factored for inflation; (4) a 20-year schedule for the replacement

of each component; and (5) scheduled replacement reserve deposits, scheduled expenditures, and Replacement Reserve balances.

Replacement Reserve Deposits:

The Capital Needs Assessment shall demonstrate a planned schedule of Replacement Reserve deposits adequate to meet the capital needs of the project. The minimum initial annual per unit deposit required is \$350. The reserve deposit shall increase annually by at least 3%.

- ✓ See Appendix A for the City of Seattle 2002 Housing Levy Administrative and Financial Plan (A&F Plan), amended and adopted May 7, 2007 for more specific policies about subsidy amounts, loan terms and conditions, and other policies.

V. OH POLICIES AND PROCEDURES

In addition to the requirements specific to individual fund sources, the following set of policies and procedures apply to all OH-funded projects:

A. Developer Fee Policy

Developer fees are an eligible development budget expense and must relate to actual work needed to develop the proposed project. The proposed fees must be consistent with the OH Developer Fee Policy effective August 25, 1998 included in Appendix F.

B. Compliance on Existing Loans

Applicants and developers must be compliant with all OH reporting requirements, including prompt project close-outs, to be eligible for future project funding.

C. Leverage

City funds are intended to fund a project's financing gap after all other appropriate and eligible fund sources have been identified. The maximum City loan per project is 40% of the total project cost attributable to the housing units to be financed by the City. Under certain circumstances, the City's participation can be increased to 50%. See Appendix A, page 5 for further information on the maximum City percentage of project financing.

D. Cost Certification

All tax credit projects must include a line item in the development budget for a cost certification by a certified public accountant. The cost certification shall be submitted to OH upon project completion.

E. Fair Contracting and Women and Minority Business Enterprises (WMBEs)

Borrowers must comply with the City's Fair Contracting Practices Ordinance. Borrowers and their general contractors are encouraged to take actions consistent with that ordinance that would increase opportunities for WMBEs. A combined WMBE aspirational goal of 14% of the total construction and other contracted services contracts shall apply to all affordable rental housing capital projects funded by OH. OH encourages additional efforts to increase WMBE participation, including mentoring programs and participation in apprenticeship and other training opportunities.

F. Consistency Letters

All projects must obtain Consolidated Plan and 10 Year Plan to End Homelessness Consistency Letters from OH. Applicants should allow for 30 days processing time, and should note two important policies that must be followed to receive a Consistency Letter:

- *Siting Policy:* Projects must not add extremely low-income housing units in excess of the capacity for such housing in the project's Census block group. See Appendix D, Housing Policies, page F-5 for the complete policy and waiver criteria.
- *Neighborhood Notification and Community Relations Guidelines:* Applicants must prepare and begin implementing a community relations plan, including neighborhood notification activities, prior to applying for OH funds. See Appendix D, Housing Policies, page F-13 or visit <http://seattle.gov/housing/development/notification.htm> for the complete set of guidelines and instructions.

For more information, please contact Amy Gray at the Office of Housing at 684-0262.

G. Bidding Process

In accordance with Washington State RCW 35.21.685, borrowers shall make every reasonable and practicable effort to utilize a competitive public bidding process. Please note the following policies:

- *General Contractor Selection:* Borrowers may contract through an open competitive bid process; a competitive bid process open to pre-qualified contractors; or request to negotiate a contract with a selected contractor. Borrowers must obtain advance written approval from the Director of the Office of Housing for a negotiated bid. Requests may be included with this application in the OH Addendum, Tab 2. Applicants that wish to negotiate a bid must demonstrate that they have interviewed and/or reviewed the qualifications of a minimum of 3 contractors prior to selection. Requests must clearly state the value of the negotiated bid versus the competitive bid process in terms of both quality of performance and cost-effectiveness in light of current market conditions. Written responses will be sent separate from any funding decision.
- *Subcontractor Selection:* All subcontracted work (including any construction work to be performed by the general contracting firm) must be competitively bid.

Note: Please be aware that some federal funds specifically mandate the use of competitive procurement processes that do not allow for negotiated bids. Applicants should be prepared for all potential procurement requirements. OH reserves the right to monitor bids and contracts at any stage of development and construction.

H. Sustainability

Since 2003, OH has required sustainable building plans as a part of our policy to promote energy conservation, sustainable building practices and operational savings in affordable multifamily housing projects. The State also created the *Evergreen Sustainable Development Standard* prompted by RCW 39.35D.080 to require a minimum level of sustainable performance for projects funded with Housing Trust Fund (HTF) dollars. OH

now joins the State in requiring one sustainable building standard, and requires the *Evergreen Checklist* in all funding applications.

Contact Joanne Quinn, Sustainability Specialist at OH, at 684-0304 for assistance on other resources for sustainable building design.

I. Environmental Review

All fund reservations are subject to the results of environmental review based on applicable State and federal laws, such as the State Environmental Policy Act (SEPA), the National Environmental Policy Act (NEPA), and related laws. Changes to projects may be required pursuant to those reviews. Funding may be conditioned or denied based on the results of the SEPA and/or NEPA reviews. For projects with federal funding, the NEPA review must be completed prior to acquisition or any other choice limiting occurrence.

J. Residential Prevailing Wage or Davis Bacon Wage Rates

Although Office of Housing funded projects are not “public works,” City policy requires that OH-funded projects use the residential prevailing wage rates which are established by the State of Washington for residential public works projects. For projects that also receive federal funding and to which Davis Bacon federal wage rates apply, the higher of the State residential wage rates or the federal Davis Bacon wage rates for each trade will apply, except as otherwise required by HUD.

Visit the OH website (<http://seattle.gov/housing/development/WageRate.htm>) for the complete OH Wage Rate policy, including contractor and subcontractor forms, and instructions for looking up wage rates. Please make sure you check published wage rates regularly as they are updated frequently.

K. Relocation, Displacement and Real Property Acquisition

OH discourages projects that permanently displace households, and encourages projects designed to minimize displacement. Projects must comply with all applicable provisions of (a) Seattle Municipal Code 20.84–Relocation Assistance; (b) the City’s Just Cause Eviction Ordinance; (c) for projects using State HTF and no federal funds, the State of Washington DOT policies; and (d) for projects using federal funds, the federal Uniform Relocation Act (URA) and any other relocation regulations and handbooks applicable to the particular funding program.

Note: Because this NOFA includes federal funds, applicants should assume that federal requirements will apply unless advised otherwise by OH. In order to comply with relocation requirements, any purchase and sale agreement or option agreement should contain provisions that enable the applicant to obtain tenant income and rent information and give notices to both existing and incoming tenants prior to closing. Whether or not relocation is contemplated, the applicant must ensure that its acquisition will be a “voluntary transaction”. This means that applicants must, prior to making an offer for the property, clearly advise the owner in writing that the transaction is not an eminent domain transaction, and inform the owner of what the applicant believes to be the fair market value of the property.

VI. PROJECT CONFERENCES

Applicants may contact OH to meet to discuss project concepts at any time. To arrange a project conference, please call Debbie Thiele at 615-0995 or email debbie.thiele@seattle.gov.

VII. APPLICATION ASSISTANCE

Before you begin preparing a City funding application, we recommend you review this document thoroughly to understand City funding priorities, program requirements, and the City's application process. OH staff is available to assist applicants by helping them understand City programs and policies, and by providing feedback and comments on project concepts in the early stages of project and program design. OH does not provide assistance with writing applications for City funding or with project development. We expect applicants to either have real estate/project development experience or to link up with consultants who can provide development expertise. Many housing development consultants are available to assist project applicants. For more information, call Harry Hoffman, Executive Director of the Seattle King County Housing Development Consortium (HDC) at 682-9541.

VIII. IMPACT CAPITAL PRE-DEVELOPMENT AND OTHER LOAN FUNDS

Impact Capital offers a variety of loan products including funds for Phase I pre-development (activities such as preparing site specific funding applications, appraisals, surveys, environmental assessments, preliminary design and legal fees) and Phase II pre-development (can be used for projects that have a funding commitment). Impact Capital also offers funding opportunities for acquisition bridge loans, funds for commercial tenant improvements, lines of credit, construction guarantees and various Section 8 products. For more information about Impact Capital's loan products, contact Jon Clarke at 587-3200, extension 105, or look on the web at www.impactcapital.org.

IX. APPLICATION SCHEDULE

2009 FALL ROUND

July 15	Last date to have a pre-application conference
September 9	Applications due to OH no later than 12:00 <u>noon</u>
December	Award Announcements

X. APPLICATION REQUIREMENTS

NOTE the format for applications has changed significantly. The City application is now composed of three parts:

- **Section A** contains the Combined Funders Application (narrative questions, forms and attachments) that the State of Washington, the Washington State Housing Finance Commission, King County and the City of Seattle have agreed to use for the convenience of applicants.
- **Section B**, the State Housing Trust Fund Addendum, contains additional questions and attachments required by the above participating funders, with the exception of the Washington State Housing Finance Commission.
- **Section C**, the City of Seattle Office of Housing Addendum, requests additional information unique to the City of Seattle.

Completeness

Applications must contain all information requested in Sections A, B and C in order to be considered for funding. Incomplete applications will be returned to applicants without further review. Applications must be tabbed in accordance with instructions in the Common Application and submitted in a 3-ring binder. OH has recycled 3-ring binders and tabs available upon request.

Number of Copies

All applicants must submit the following to OH:

- One original hard copy of the entire application, tabbed and in a 3-ring binder, with all attachments
- One CD that includes:
 - The Combined Funders Application Budget and Excel Forms Workbook in Microsoft Excel © format. Linked sheets must be unlocked and formulas must be visible. No PDFs please.
 - One complete electronic application that is clearly labeled with the applicant and project name and includes Combined Funders Application, Housing Trust Fund Addendum, and the OH Addendum using the following folder structure:
 - Each Tab should be placed its own folder. Each folder shall include a copy of the narrative responses and all attachments for that Tab in PDF format.

IMPORTANT:

- ✓ All applicants that are applying for both City of Seattle funds AND the State Housing Trust Fund must also send one binder and one CD as described above directly to CTED.
- ✓ If you have already received City of Seattle funds and are only applying for State CTED funds you must send the original application and CD to CTED and a duplicate copy of the CD described above to OH.

Application Forms

Many items ask you to submit information on forms. All forms are listed for reference at the end of this section. They are available in Microsoft Excel © format in one workbook on the OH website at <http://seattle.gov/housing/development/MultifamilyNOFA.htm>.

- Form 1A – Population
- Form 1B – Special Needs
- Form 1C – Units
- Form 1D – Square Footage Summary
- Form 2 – Evergreen Checklist
- Form 4 – Relocation Budget
- Form 5 – Project Schedule
- Form 6A – Residential Development Budget
- Form 6B – Non-Residential Development Budget
- Form 6C – Budget Narrative
- Form 6D – LIHTC Budget
- Form 6E – LIHTC Calculation
- Form 7 – Financing
- Form 8A – Rents
- Form 8B – Operating Sources
- Form 8C – Operating Pro Forma
- Form 8D – Operating Budget Details
- Form 9A – Contact List
- Form 9B – Sponsor Experience
- Form 9C – Development Consultant Experience
- Form 9D – Property Manager Experience
- Form 10A – Service Personnel
- Form 10B – Service Budget
- Form 11 – LIHTC Scoring Synopsis

XI. WHERE TO SUBMIT APPLICATIONS

Where to Submit Applications

Applications must be submitted to:

Debbie Thiele, Multifamily Lending Manager
Office of Housing
City of Seattle, Seattle Municipal Tower
PO Box 94725
Seattle, Washington 98124-4725

Our street address is:

City of Seattle, Seattle Municipal Tower
700 Fifth Avenue, Suite 5700
Seattle, Washington 98104

Disclosure of Documents

All proposals and related materials become the property of the City upon delivery to OH. State law, RCW Ch. 42.17, provides that public records are subject to public inspection and copying unless specifically exempted. RCW Ch. 42.17 enumerates limited exemptions a public agency's obligation to disclose public records. If the applicant believes that portions of its proposal are exempt from disclosure to third parties, the applicant must clearly label the specific portions sought to be kept confidential and specify an exemption that the applicant is relying on. However, acceptance of an application containing such designations by OH is not an agreement that such material is legally confidential, and OH cannot guarantee that such information will not be disclosed. Marking all or substantially all of an application as confidential may result in the application being rejected.

The applicant recognizes and agrees that the City will not be responsible or liable in any way for any losses that the applicant may suffer from the disclosure of information or materials to third parties, nor for any use of information or materials by third parties. Materials submitted by unsuccessful applicants are subject to disposal unless picked up promptly by the applicant, except that OH will maintain one copy in compliance with public record laws.

Interpreter Services

Interpreter services for the deaf and materials in alternative formats are available upon advance request. TTY users please call Washington State Relay Service at 1-800-833-6388 and ask them to connect you with the Office of Housing at 684-0721.

Questions

If you have any questions about application requirements, please contact Debbie Thiele at 615-0995 or email debbie.thiele@seattle.gov.